

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TONYA JETER

V.

**RANDY KENNEDY and
CASS COUNTY SHERIFF DEPT.**

§
§
§
§
§
§

No. 5:09cv140

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is

ORDERED that Defendants Cass County Sheriff's Department Motion to Dismiss (Dkt. No. 8) and Defendant Randy Kennedy's Motion to Dismiss for Failure to State a Claim (Dkt. No. #9-1) are **DENIED WITHOUT PREJUDICE TO REFILING**.

SIGNED this 1st day of July, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE